



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,746	08/30/2001	Maria Azua Himmel	AUS920010451US1	9984

7590 08/12/2004

Duke W. Yee
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380

EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
----------	--------------

2643

DATE MAILED: 08/12/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,746

Applicant(s)

HIMMEL ET AL.

Examiner

REXFORD N BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

R N Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12, 14, 15, 26, 27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer et al. (US Pat# 5,859,900).

Regarding claims 11 and 26, Bauer teaches a system for reversing call charges from a calling party to a called party (see disclosure).

Regarding claims 12 and 27, Bauer teaches that a toll call, which could include long distance calls, would be billed to the called party.

Regarding claims 14-15, 29 and 30, Bauer teaches the claimed subject matter in (see fig. 1 and col. 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

Art Unit: 2643

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-10 and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gundlach (US Pat# 6,442,257) in view of Kim (US Pat# 5,937,044) or Bauer et al. (US Pat# 5,859,900).

Regarding claims 1 and 16, Gundlach teaches a configuration wherein charges associated with a mobile service user can be charged to a called party either fully or partially in (see figs., col. 1 line 50-col. 2 line 16, col. 3 lines 21-29). Gundlach fails to teach the possibility of implementing a system wherein a called agreeing to call charges.

Kim teaches a system and method for alternate billing arrangement during a telephone call wherein a called party can be billed for telephone call charges based on a called party agreeing to the charging scheme in (see col. 5 lines 41-49 and col. 6 lines 1-15).

Bauer et al. teaches a call access with reverse billing wherein call charges associated with a calling party can be reversed to the called party based on input information from a called party in (see cols. 5-6). Furthermore, according to Bauer, the device used by a calling party for instance could be any communication device in (see col. 4 lines 39-40).

Art Unit: 2643

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either Kim or Bauer into that of Gundlach thus making it possible to reverse call charges in real-time for family members who might not have funds to make long distance calls to relatives such as taught by Bauer.

Regarding claims 2-4 and 17-19, The combination renders obvious the subject matter of being able to use any communication device by a calling party for communications to a called party such that call charges from a calling party is billed to the called party.

Regarding claims 5-7 and 20-22, see the explanation as set forth regarding claim 1.

Regarding claims 8-9, and 23-24, the combination renders obvious the claimed subject matter because whatever charges are incurred by the calling party including long distance charges would be reversed to the called party.

Regarding claims 10 and 25, The combination including Gundlach teaches the claimed subject matter in (see col. 3 lines 21-29 of Gundlach).

Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (US Pat# 5,859,900).

Regarding claims 13 and 28, Bauer fails to put any restriction on the communication devices and according to Bauer, the communication device used by the calling party could be any other device.

Art Unit: 2643

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of being able to use any well known communication devices thus making it possible for called parties to communicate with a wide range of people including family members who might be traveling and so forth

Claims 31-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gundlach (US Pat# 6,442,257) in view of Kim (US Pat# 5,937,044) or Bauer et al. (US Pat# 5,859,900) and {Marsh et al., (US Pat# 6,574,465) or Zdanowski et al. (US Pat# 5,483,575) or Son et al. (US Pat# 6,201,957)}.

Regarding claim 31, see the explanation as set forth regarding claims 1 and 16. The combination fails to teach in detail a computer means or system which would process CDR information or information generally.

The secondary references Marsh teaches a computer system in (see figs. 1, 2) for storing and processing communication signals/information in an efficient manner.

Zdanowski teaches a structure for correlating usage in a communication with a computer configuration including a bus, processor and memory for processing communication information in (see figs. 4 and 11-13).

Son teaches a system and method for implementing calling plans wherein a system including a bus, memory and a processor can control billing parameters in (see figs.).

Art Unit: 2643

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the applied references I to that of the combination thus making it possible to process call data information effectively and automatic using a computer process.

Regarding claims 32-40, see the explanation as set forth regarding claims 2-10.

Claims 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (US Pat# 5,859,900) in view of {Marsh et al., (US Pat# 6,574,465) or Zdanowski et al. (US Pat# 5,483,575) or Son et al. (US Pat# 6,201,957)}.

Regarding claim 41, Bauer teaches all the claimed subject matter except the details of the computer medium through which the invention would be implemented.

The secondary references Marsh teaches a computer system in (see figs. 1, 2) for storing and processing communication signals/information in an efficient manner.

Zdanowski teaches a structure for correlating usage in a communication with a computer configuration including a bus, processor and memory for processing communication information in (see figs. 4 and 11-13).

Son teaches a system and method for implementing calling plans wherein a system including a bus, memory and a processor can control billing parameters in (see figs.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the applied

Art Unit: 2643

references I to that of the Bauer thus making it possible to process call data information effectively and automatic using a computer process.

Regarding claims 42-45, see the explanation as set forth regarding claims 12-15 and 27-30.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
08/05/04


REXFORD BARNIE
PRIMARY EXAMINER